

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DEFENDANTS' PROPOSED SPECIAL VERDICT FORM

1. Do you find that Plaintiff Barbara Loder Hildebrandt has proved by a preponderance of the evidence that her age was a determining factor in Defendants' decision to eliminate her position?

Yes

No

If your answer is “No,” do not proceed to the remaining questions. Rather, you should go directly to the end of this document and sign and date this verdict form. If your answer is “Yes,” proceed to answer the following questions.

2. If you have found by a preponderance of the evidence that Plaintiff is entitled to back pay, taking into account Plaintiff's duty to mitigate her damages, as the foregoing terms are defined in these instructions, then what amount of money, if any, should be awarded to Plaintiff as back pay damages?

\$ _____ (State the amount or, if none, write the word "None.")

3. If you have found by a preponderance of the evidence that Plaintiff is entitled to front pay, taking into account Plaintiff's duty to mitigate her damages, as the foregoing terms are defined in these instructions, then what amount of money, if any, should be awarded to Plaintiff as front pay damages?

\$ _____ (State the amount or, if none, write the word "None.")

4. Do you find by a preponderance of the evidence that Defendant Hyatt Corporation's violation of the ADEA was "willful," as that term is defined in these instructions?

Yes _____

No _____

5. If you have found that Plaintiff has established by a preponderance of the evidence that she is entitled to compensatory damages for emotional distress, as that term is defined in these instructions, then what amount of money, if any, should be awarded to Plaintiff as compensatory damages for emotional distress?

\$ _____ (State the amount or, if none, write the word "None.")

6. Do you find by clear and convincing evidence that Defendants acted with "actual malice," as that term is defined in these instructions?

Yes _____

No _____

If your answer is "No," then you should sign and date this verdict form. If your answer is "Yes," proceed to answer the remaining question.

7. If you found by clear and convincing evidence that one or more of the Defendants acted with "actual malice," as the foregoing terms have been defined in these instructions, then what amount of money, if any, should be awarded to Plaintiff as punitive damages?

\$ _____ (State the amount, or, if none, write the word "None.").

The foreperson and all other members of the jury should now sign and date this form.

Date: _____
Foreperson _____

DATED this 2nd day of August 2004.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 2, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Stanley M. Chesley, Esq. and Robert Steinberg, Esq., Waite, Schneider, Bayless, & Chesley Co., L.P.A., 1513 Central Trust Tower, Cincinnati, Ohio, 45202, Michael J. O'Hara, Esq., O'Hara, Ruberg, Taylor, Sloan & Sergent, 209 Thomas More Park, Suite C, P.O. Box 17411, Covington, Kentucky 41017-0411.

s/Jeffrey J. Harmon
Jeffrey J. Harmon

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